

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

CHRISTOPHER BRANHAM
as administrator of the
ESTATE OF SETH BLACK,

Plaintiff,

vs.

TENNESSEE VALLEY AUTHORITY and
Serve: Tennessee Valley Authority
c/o David B. Fountain, General Counsel
400 W. Summit Hill Dr.
Knoxville, TN 37902

GUBMK CONSTRUCTORS,
Serve: GUBMK Constructors
c/o General Counsel
400 W. Summit Hill Dr., WT11B
Knoxville, TN 37902

Defendants.

Civil Action No.

TWELVE (12) PERSON
JURY TRIAL DEMANDED

COMPLAINT

Comes now the Plaintiff, Christopher Branham as administrator of the Estate of Seth Black, by and through counsel, for his cause of action against the Defendants, Tennessee Valley Authority and GUBMK Constructors, and would respectfully show unto this Honorable Court:

1. The Defendant, Tennessee Valley Authority, is a government-owned corporation that may be sued directly pursuant to 16 U.S.C. § 831c(b).
2. The Defendant, GUBMK Constructors, is a business that primarily performs work at sites owned and operated by the Defendant, Tennessee Valley Authority.

3. The Plaintiff, Christopher Branham, is the administrator of the Estate of Seth Black, currently pending in Rhea County Chancery Court under docket number 72CH1-2021-PR-2950.
4. This Court has jurisdiction over the present claim because the Defendant, Tennessee Valley Authority, is an executive branch corporate agency and instrumentality of the United States created by and existing pursuant to the Tennessee Valley Authority Act of 1933 (“TVA Act”), 16 U.S.C. § 831 et seq. See *Tenn. Valley Auth. v. Hill*, 437 U.S. 153, 157 (1978) (“[T]he Tennessee Valley Authority [is] a wholly owned public corporation of the United States . . .”).
5. Further, this Court separately has subject matter jurisdiction over this action under 28 U.S.C. § 1331 because a claim against a federal corporation created by an Act of Congress, such as the TVA Act, falls within the grant of federal question jurisdiction under § 1331.
6. On or about September 16, 2021, the deceased, Seth Black, was working for Williams Specialty Services, LLC, and his job duties that day took place at the Bull Run Power Plant in Anderson County, Tennessee.
7. At all times material herein, the Defendants, through their agents, servants, and employees, operated, owned, managed, maintained, and controlled the Bull Run Power Plant where the Seth Black was killed.
8. On September 16, 2021, Seth Black was working to place insulation on top of a precipitator insulator when he fell through the top surface and came into contact with an energized circuit, causing his electrocution and death.
9. Prior to the accident at issue, the Defendants, Tennessee Valley Authority and GUBMK Constructors, failed to determine if the walking surface on the

precipitator insulator had the strength and structural integrity to support the weight of workers in general and Seth Black in particular.

10. The Defendants, through their agents, servants, and employees, were negligent in allowing the walking surface on the precipitator insulator to remain in a dangerous condition such that it was dangerous to the workforce in general and to the deceased, Seth Black, in particular.
11. Prior to the accident at issue, the Defendants, through their agents, servants, and employees, knew or, through the exercise of reasonable diligence should have known, about the hazardous condition of the walking surface on the precipitator insulator.
12. The Defendants were negligent in failing to adequately warn the workforce in general and to the deceased, Seth Black, in particular, regarding the hazardous condition of the walking surface on the precipitator insulator.
13. As a result of the electrocution accident at issue, the decedent, Seth Black, suffered pain of mind and body and sustained fatal injuries.
14. The Plaintiff is entitled to recover the decedent's funeral expenses, the pecuniary value of his life, and the loss of his love and affection for all the family members.

WHEREFORE, the Plaintiff, Christopher Branham as administrator of the Estate of Seth Black, demands judgment against the Defendants for damages in the sum of FIVE (\$5,000,000.00) MILLION DOLLARS AND no/100 CENTS and costs.

The Plaintiff demands a jury try this action.

Respectfully submitted this the 15th day of September, 2022.

A handwritten signature in black ink, appearing to be 'T. Scott Jones', with a large, stylized initial 'T' and a cursive 'J'.

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